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15 *Ultimate Fighting Championship and UFC*

17 **UNITED STATES DISTRICT COURT**

18 **DISTRICT OF NEVADA**

19 Cung Le, Nathan Quarry, Jon Fitch, Brandon
20 Vera, Luis Javier Vazquez, and Kyle Kingsbury,
on behalf of themselves and all others similarly
situated,

21 Plaintiffs,

22 v.

23 Zuffa, LLC, d/b/a Ultimate Fighting
24 Championship and UFC,

25 Defendant.

No.: 2:15-cv-01045-RFB-(PAL)

**ZUFFA, LLC'S MOTION TO SEAL
CERTAIN EXHIBITS TO
PLAINTIFFS' CORRECTED
REPLY BRIEF IN SUPPORT OF
EMERGENCY MOTION TO
COMPEL PRODUCTION OF
DOCUMENTS WITHHELD ON
PRIVILEGE GROUNDS AND FOR
OTHER RELIEF (ECF NO. 468)**

I. INTRODUCTION

Pursuant to the Stipulated Order governing the confidentiality of documents entered by the Court on February 10, 2016, ECF No. 217 (“Protective Order”) and Rule 26(c) of the Federal Rules of Civil Procedure, Defendant Zuffa, LLC (“Zuffa”) respectfully requests that the Court order the Clerk of Court to file under seal certain exhibits to Plaintiffs’ Corrected Reply Brief In Support of Plaintiffs’ Emergency Motion To Compel Production Of Documents Withheld On Privilege Grounds And For Other Relief (ECF No. 468) (“Plaintiffs’ Reply”).¹

The Protective Order in this case provides for the filing of documents under seal where a document or portions thereof contain Confidential or Highly Confidential Information. ECF No. 217, ¶ 14.3. As described fully below, Zuffa seeks to file under seal exhibits containing excerpts from versions of Zuffa’s privilege log produced to Plaintiffs in this litigation. Second, Zuffa seeks to file under seal in its entirety a document produced to Plaintiffs that was properly designated as Confidential pursuant to the Protective Order.

II. LEGAL STANDARD

Documents filed in connection with a non-dispositive motion may be sealed if the party seeking to seal the documents makes a “particularized showing” under the “good cause” standard of Rule 26(c). *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (citation and internal quotation marks omitted); *see also Pintos v. Pacific Creditors Ass’n*, 605 F.3d 665, 678 (9th Cir. 2010). The Court has “broad latitude” under Rule 26(c) “to prevent disclosure of materials for many types of information, including, but not limited to, trade secrets or other confidential research, development, or commercial information.” *Phillips v. General Motors Corp.*, 307 F.3d 1206, 1211 (9th Cir. 2002) (citations omitted).

As the Ninth Circuit has held, in granting protective orders preventing disclosure of certain types of information, district courts have, upon good cause shown, “[m]ost significantly . . . granted protective orders to protect confidential settlement agreements.” *Phillips ex rel. Estates of Byrd v.*

¹ All exhibits referenced in this Motion refer to exhibits to the Corrected Declaration of Joseph R. Saveri in Support of Plaintiffs’ Emergency Motion to Compel Production of Documents Withheld on Privilege Grounds and for Other Relief (ECF No. 468-2).

1 *Gen. Motors Corp.*, 307 F.3d 1206, 1212 (9th Cir. 2002) (citations omitted).

2 III. ARGUMENT

3 A. Confidential Material Contained in Versions of Zuffa's Privilege Log Produced to
4 Plaintiffs

5 Exhibits 6, 7, and 9 to Plaintiffs' Reply consist in whole or in part of confidential materials
6 contained in versions of Zuffa's privilege log produced to Plaintiffs. Requests to seal privilege logs
7 are routinely granted. *See, e.g., Phillips v. C.R. Bard, Inc.*, 290 F.R.D. 615, 624 (D. Nev. 2013)
8 (granting party's request to seal privilege log). Such information includes confidential aspects of
9 Zuffa's business. Good cause therefore exists to seal Exhibits 6, 7, and 9 in their entirety.

10 B. Documents Produced to Plaintiffs by Zuffa That Was Properly Designated as
11 Confidential

12 Exhibit 8 is a document produced to Plaintiffs by Zuffa during discovery that was properly
13 designated as Confidential. Exhibit 8 is an email communication among Zuffa executives and
14 outside counsel and attorneys representing a company Zuffa sought to acquire. It was properly
15 designated as Confidential, and good cause exists to seal it in its entirety.

16 IV. CONCLUSION

17 Zuffa respectfully requests that the Court find that Zuffa has made the requisite particularized
18 showing of good cause sufficient to justify sealing of the documents listed above.

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1 Dated: July 31, 2017

Respectfully Submitted,

2 BOIES SCHILLER FLEXNER LLP

3
4 By: /s/ Stacey K. Grigsby

5 Stacey K. Grigsby

6 Attorneys for Defendant Zuffa, LLC, d/b/a
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing **Zuffa, LLC's Motion to Seal Certain Exhibits to Plaintiffs' Corrected Reply Brief In Support of Emergency Motion To Compel Production of Documents Withheld On Privilege Grounds And For Other Relief (ECF No. 468)** was served on July 31, 2017 via the Court's CM/ECF electronic filing system addressed to all parties on the e-service list.

/s/ Roderick Crawford

Roderick Crawford, an Employee of Boies
Schiller Flexner LLP